

United States v. Jose Camacho-Melendez, 08cr0724-WQH
Response in Opposition to Defendant's Motions in Limine

APPENDIX 2



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May 12, 2008

VIA FACSIMILE AND FIRST-CLASS MAIL

Kasha Pollreisz, Esq.
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, CA 92101

Re: United States v. Jose Elias Camacho-Melendez, 08CR0724-WQH

Dear Ms. Pollreisz:

This letter will serve as the United States' written notice of expert testimony to be presented at trial in the above-referenced case, pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G).

The United States will present evidence from William Simmons, a certified mechanic in Ford motor vehicles. Mr. Simmons, who has been a mechanic for approximately thirty years, has examined the white Ford F-250 pick-up truck bearing Baja, California, Mexico license plate BL16919 ("the vehicle") that the defendant drove into the Calexico West Port of Entry on February 27, 2008 and which contained two illegal aliens in the engine compartment. Mr. Simmons has also examined photographs of the vehicle.

Based upon his review of these items, Mr. Simmons will testify that the vehicle's engine compartment was modified in that a number of items that are factory issued in the above described vehicle were removed from the engine compartment. Specifically, Mr. Simmons will testify that the air conditioning compressor, smog pump, battery tray, coolant recovery, washer fluid bottles, and snorkel (which connects to the vehicle's exhaust) were removed from the engine compartment. The engine compartment also includes a number of wires that have been cut. In addition, the fuel valve cannister is disconnected. Based upon his review, the heating and air conditioning systems in the vehicle were inoperable.

Mr. Simmons will also testify that, inside the cabin of the vehicle, he observed that both the oil pressure and fuel gauges were inoperable. In addition, the only light that turned on when he attempted to start the vehicle was the safety belt light. The overhead light in the cab was inoperable. Finally, Mr. Simmons observed that it took him three to four attempts to start the vehicle.

Mr. Simmons will also testify regarding how these modifications impacted the operation of the vehicle. Specifically, the removal of some or all of the above described items would cause the motor and, in turn, the entire vehicle to shake, particularly when the vehicle was stopped. In addition, the modifications would create difficulty in starting the vehicle and the running of the vehicle until it was warmed up, and a great amount of noise and heat in the cab from the engine compartment. Finally, as a result of the missing washer fluid bottles and lines, the windshield wiper fluid could not be used to clean the windshield.

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Mr. Simmons is currently employed by Mossy Ford in San Diego, California as a certified mechanic and has been so employed for more than fifteen years. Mr. Simmons will base his opinions and testimony on his 30 years of experience as an automobile mechanic, his examination of the vehicle and photographs in this case as well as his prior experience with this and other similar Ford vehicles.

Pursuant to Federal Rule of Criminal Procedure 16(a)(1)(C), the United States renews its request for a written summary regarding any experts that the Defendant may call at trial. Please contact me if you have questions regarding this notice.

Very truly yours,

KAREN P. HEWITT
United States Attorney



LAWRENCE A. CASPER
Assistant U.S. Attorney